

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARTIN J. WALSH, Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

LOCAL 98, INTERNATIONAL
BROTHERHOOD OF ELECTRICAL
WORKERS,

Defendant.

CIVIL ACTION NO. 21-CV-96

STIPULATION OF SETTLEMENT AND ORDER

Plaintiff Martin J. Walsh, Secretary of Labor, United States Department of Labor (the “Secretary”), and Defendant Local 98, International Brotherhood of Electrical Workers (“Local 98”) (collectively, the “parties”), in order to resolve this action without the necessity of further litigation, stipulate and agree as follows:

1. The Secretary brought this action under Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. §§ 481–483, seeking a judgment voiding Local 98’s June 9, 2020, election for the offices of president and five executive board members and directing Local 98 to conduct a new election, including nominations, under the Secretary’s supervision, as provided by Section 401(e) of the LMRDA, 29 U.S.C. § 481(e).

2. In his complaint, the Secretary alleged that Local 98 deprived members of their right to nominate, be nominated, and vote for or otherwise support the candidates of their choice without being subject to penalty, discipline, or improper interference or reprisal of any kind from Local 98 in violation of Title IV of the LMRDA.

3. Local 98 denies the allegations in this action.

4. This agreement is in settlement of the instant litigation and is not intended and should not be construed as an admission by Local 98 that Local 98 or any of its officers, employees, or agents violated Title IV of the LMRDA, or a concession by the Secretary that his claims are not well founded.

5. The parties hereby stipulate and agree to entry of an order directing Local 98 to conduct its next regular election for the offices of president and five executive board members under the Secretary's supervision ("supervised election"). The parties agree that the supervised election will include new nominations.

6. The supervised election shall be conducted in accordance with Title IV of the LMRDA and, insofar as lawful and practicable, in accordance with Local 98's constitution and bylaws.

7. All decisions as to the interpretation and application of Title IV of the LMRDA and of Local 98's constitution and bylaws relating to the supervised election are to be determined by the Secretary, and his decisions shall be final and binding, subject to review by this Court at the request of any party.

8. The Court shall retain jurisdiction of this action, and after completion of the supervised election, in accordance with 29 U.S.C. § 482(c)(2), the Secretary shall certify to the Court the names of the persons elected and that the supervised election was conducted in accordance with Title IV of the LMRDA and, insofar as lawful and practicable, in accordance with Local 98's constitution and bylaws.

Upon approval of such certification, the Court shall enter a judgment declaring that such persons have been elected as shown by such certification and, further, that each party hereby agrees to bear its own fees and other expenses incurred in connection with any stage of this proceeding.

SO STIPULATED:

JENNIFER ARBITTIER WILLIAMS
United States Attorney

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SO ORDERED THIS 10th DAY OF June, 2022.

/s/ Gerald Austin McHugh

GERALD AUSTIN McHUGH,

United States District Judge